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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

VERNON ELLIS GREEN,

Defendant and Appellant.

B296111

(Los Angeles County
Super. Ct. No. VA12774802)

APPEAL from an order of the Superior Court of Los Angeles County, Yvonne Sanchez, Judge. Affirmed.

Richard B. Lennon, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance by Plaintiff and Respondent.

Vernon Ellis Green (defendant) was convicted of second degree robbery in 2014. He was sentenced to 17 years in state prison, comprised of an upper-term sentence of five years, doubled under Penal Code section 667(e)¹ for having sustained a prior “strike” conviction, plus a five-year enhancement under section 667(a) and two one-year enhancements under section 667.5(b).

In 2019, defendant filed a petition to recall his sentence pursuant to section 1170.126, as added to the code by Proposition 36. Defendant’s petition also referenced Assembly Bill No. 1812² and section 1168. The trial court denied the petition, explaining defendant was not eligible for recall of his sentence pursuant to section 1170.126 because he is not serving a third strike sentence.

Defendant noticed an appeal from the trial court’s ruling on his sentence recall petition. This court appointed appellate counsel to represent defendant. After examining the record, counsel filed an opening brief raising no issues. On May 31, 2019, this court advised defendant he had 30 days to personally submit any contentions or issues he wished us to consider. We received no response.

We have examined the appellate record and are satisfied defendant’s attorney has complied with the responsibilities of

¹ Undesignated statutory references that follow are to the Penal Code.

² Among other things, Assembly Bill No. 1812 (2017-2018 Reg. Sess.) amended section 1170(d)(1) to define the bases for modifying a sentence imposed pursuant to sections 1170 or 1168(b).

counsel and no arguable issue exists. (*Smith v. Robbins* (2000) 528 U.S. 259, 278-82; *People v. Kelly* (2006) 40 Cal.4th 106, 122-24; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

DISPOSITION

The order denying defendant's petition is affirmed.

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BAKER, Acting P. J.

We concur:

MOOR, J.

KIM, J.